APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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VAN PELT & YI LLP
10050 N. FOOTHILL BLVD #200
CUPERTINO, CA 95014

EXAMINER
LE, DIEU MINH T

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2004*.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-30* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some *　c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the RCE filed January

13, 2004 in application 10/004,377.

2.   Claims 1-22 have been canceled, claim 23-30 have been

added.

3.   The text of those sections of Title 35, U.S. Code not

included in this action can be found in a prior Office action.

4.   Claims 23-30 are rejected under 35 U.S.C. § 103(a) as being

unpatentable Funk (US Patent 5,793,497) in view of Cheffetz et

al. (US Patent 5,133,065 hereafter referred to as Cheffetz)

As per claim 23:

    Funk substantially teaches the invention. Funk teaches:

    - a method for data protection [abstract, col. 5, lines 29-

    33 and col. 6, lines 1-11]

comprising:

    - accessing a file in a computer system [col. 7, lines 55-

    59];

    - capturing change information representing a change to the

    file [col. 6, lines 1-11].

- sending a validation request to validate the change to

the file *(i.e., **sending confirmation back to sender**

confirming change to database) [fig. 6, lines 19-20]

- transmitting the change information through a network

[fig. 1, col. 2, lines 14-28].

Funk does not explicitly teach:

- the transmission is initiated substantially concurrently

with a time the change to the file occurs, if the change to

the file is validated.

However, Funk does disclose capability of:

- a method and apparatus for delivering and modifying

information electronically [abstract, col. 2, lines 14-27]

comprising:

- a connectivity among memory, processor, end-user

terminals (i.e., remote as well as local) via LAN and

Internet (WAN) environment [fig. 1, col. 3, lines 35

through col. 4, lines 25];

- information exchanging and dynamically updating between

source and destination (*i.e., end user terminals*) via a

network in a real-time [col. 5 lines 43-51];

- information modification and editing [col. 6, line 64

through col. 7, line20];

- file generating, updating information to and from database,

and transmitting data via a network [col. 2, lines 14-41].

   - *periodically updating the information in the information*

   database and generating a file corresponding to the

   customer based on information in the customer record and

   the dynamically updated information [col. 2, lines 36-39];

   - *means for responsive to the message from the*

   predetermined customer for modifying a customer record

   responding to the predetermined customer [col. 2, lines 32-

   35];

   - *sending confirmation back to sender confirming change to*

   database [fig. 6, lines 19-20].

   In addition, Cheffetz explicitly teaches:

   - a computer network for backing up data and program file

   located on networked workstation onto a central [abstract,

   col. 1, lines 8-15];

comprising:

   - an substantially concurrently data backup transmission

   between remote workstation and master workstation via a

   network [col. 3, lines 49-59];

- maintaining security over confidential data or program

files (*i.e., data protection*)   [col. 3, lines 23-26];

- file accessing, data processing, data exchanging/sharing

over the network [col. 3, lines 28-35].

- *defining files before and after a modification* [col. 5,

lines 23-24];

- *reason for modification* [col. 5, line 45];

- *users tracking changes to files* [col. 5, lines 58 through

col. 6, lines 6];

- *MasterDaemon program used to monitor constantly all files*

changes [col. 6, lines 45-60].

Therefore, it would have been obvious to a person having

ordinary skill in the art at the time the invention was made

first, to realize the Funk's method and apparatus for delivering

and modifying information electronically comprising **information**

exchanging and dynamically updating between source and

destination (i.e., end user terminals) via a network in a real-

time and *sending confirmation back to sender confirming change*

to database as being the transmission is initiated

substantially concurrently with a time the change to the file

occurs as claimed by Application. This is because the Funk does

deal with a data file/information updating and exchanging

between communication nodes (i.e., sources/destinations) or end user terminal in real-time process, the data/information should be updated in real-time including file modification, verification, confirmation (i.e., substantially concurrently changes of data files) within the data security or protection environment, such as stock and bank data/information updating and exchanging security environment; second, one would modify the Funk to explicitly including **an substantially concurrently data backup transmission between remote workstation and master workstation via a network and *MasterDaemon program used to monitor constantly all files changes*** as taught by Cheffetz's computer network for backing up data and program file located on network workstation onto a central in supporting the computer data protection via data file/information updating and exchanging transmission.

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the computer data file/information transmission via a networking environment with a mechanism to enhance the data security, data performance, data availability, and data integrity in ordering to providing an optimal data/information protection and exchanging system.

It is further obvious because by utilizing this approach, data

files within the protected system can be realized in latest

data/information transmitted among end user communication, real-

time data process, and data security protection and execution.

As per claims 24-28:

Funk substantially teaches the invention. Funk teaches:

- a method for data protection [abstract, col. 5, lines 29-

33 and col. 6, lines 1-11]

comprising:

- a change is a file and write operation (*i.e., information

modification and editing*) [fig. 5, col. 5, lines 52-66 and

col. 6, lines 64 through col. 7, lines 20];

- the file is accessed by an application program [col. 3,

lines 35-42 and col7, lines 21-26].

- the change information is transmitted to a second

computer and to a remote computer (i.e., end users terminal

data transmitted via a LAN and Internet (WAN) environment

as well as information exchanging and dynamically updating

between source and destination (*i.e., end user terminals*)

via a network in a real-time) [fig. 1, col. 3, lines 59

through col. 4, lines 23].

- ___user dial-up access for requesting information (i.e.,
information transmitted to a remote computer)___ [col. 1,
lines 42-53].

In addition, Cheffetz explicitly teaches:

- a computer network for backing up data and program file

located on networked workstation onto a central [abstract,

col. 1, lines 8-15];

comprising:

   - **an substantially concurrently data backup transmission**

   between remote workstation and master workstation via a

   network [col. 3, lines 49-59];

   - maintaining security over confidential data or program

   files (*i.e., data protection*)   [col. 3, lines 23-26];

   - file accessing, data processing, data exchanging/sharing

   over the network [col. 3, lines 28-35].

As per claim 29:

   Claim 29 similar to claim 23. The only minor different is

that claim 29 additionally introduced a memory coupled with

processor.

   However, Funk does disclose capability of:

- a system for data protection [abstract, col. 5, lines 29-

33 and col. 6, lines 1-11]

comprising:

- a database coupled with the processor in supporting the data

configuration, data exchanging, data updating, etc… [fig. 2,

col. 4, lines 25-31].

- a connectivity among memory, processor, end-user

terminals (*i.e., remote as well as local*) via LAN and

Internet (WAN) environment [fig. 1, col. 3, lines 35

through col. 4, lines 25];

Therefore, this claim is also rejected under the same

rationale applied against claim 23. **In addition, all of the**

limitations have been noted in the rejection as per claim 23.

As per claim 30:

Claim 30 similar to claim 23. The only minor different is

that claim 29 additionally introduced change information between

a first and second file.

However, Funk does disclose capability of:

- a method for data protection [abstract, col. 5, lines 29-

33 and col. 6, lines 1-11]

comprising:

- information exchanging and dynamically updating between source and destination (i.e., end user terminals) via a network in a real-time [col. 5 lines 43-51] *(i.e., change information between a first and second file)*;

   - a connectivity among memory, processor, end-user terminals (*i.e., remote as well as local*) via LAN and Internet (WAN) environment [fig. 1, col. 3, lines 35 through col. 4, lines 25];

   - *editing and modifying customer records (i.e., first and second files)* [col. 7, lines 10-12].

In addition, Cheffetz explicitly teaches:

- a computer network for backing up data and program file located on networked workstation onto a central [abstract, col. 1, lines 8-15];

comprising:

   - **an substantially concurrently data backup transmission between remote workstation and master workstation via a network** [col. 3, lines 49-59] *(i.e., change information between a first and second file)*.

Therefore, this claim is also rejected under the same
rationale applied against claim 23. **In addition, all of the
limitations have been noted in the rejection as per claim 23.**

Response to Applicant's remarks

Applicant asserts that Funk in combining with Cheffetz failed to
teach or suggest the following:

A.   sending a validation request to validate the change to
file;

B.   transmitting the change information through a network,
wherein the transmission is initiated substantially concurrently
with a time the change to the file occurs, if the change to file
is validated.

Examiner respectfully transverses Applicant's argument as
follows:

A.   First, It is not true that both Funk and Cheffetz failed to
teach the "sending a

validation request to validate the change to file" as claimed by
Applicant.   Examiner again would like to bring Applicant
attention to Funk's method and apparatus for delivering and

modifying information electronically [abstract, col. 2, lines
14-27].

Funk explicitly addressed:

- periodically updating the information in the information

database and generating a file corresponding to the

customer based on information in the customer record and

the dynamically updated information [col. 2, lines 36-39];

- means for responsive to the message from the

predetermined customer for modifying a customer record

responding to the predetermined customer [col. 2, lines 32-

35];

- ***sending confirmation back to sender confirming change to***

database [fig. 6, lines 19-20]

In addition, Cheffetz also disclosed:

- ***defining files before and after a modification*** [col. 5,

lines 23-24];

- reason for modification [col. 5, line 45];

- users tracking changes to files [col. 5, lines 58 through

col. 6, lines 6];

- ***MasterDaemon program used to monitor constantly all files***

changes [col. 6, lines 45-60].

Therefore, it would have been obvious to an ordinary skill

in the art to realize alone or combine of Funk and Cheffetz's

invention do teach Applicant's argument. That is by applying the

confirmation request of Funk or tracking and monitoring file

changes of Cheffetz, the computer files can be verified,

tracked, checked, confirmed, acknowledged (i.e., validated) in

supporting the data protection within the computer system.

Second, it would have been obvious to an ordinary skill in

the art that the file validation or verification function is a

very common practice within computer data protection system.

This is because by performing this capability, data files can be

ensured for its execution within the computer operation, more

specifically for its data security and integrity aspect.

B.   First, it is not true that Funk in combining with Cheffetz

failed to teach the "transmitting the change information through

a network, wherein the transmission is initiated substantially

concurrently with a time the change to the file occurs, if the

change to file is validated" as claimed by Applicant.

Funk disclosed a method and apparatus for delivering and

modifying information electronically [abstract, col. 2, lines

14-27] comprising information exchanging and dynamically

updating between source and destination via a network in a real-time [col. 5 lines 43-51], *information modification and editing* [col. 6, line 64 through col. 7, line20] file generating, updating information to and from database, and transmitting data via a network [col. 2, lines 14-41], and more specifically *sending confirmation(i.e., validation request) back to sender confirming change to database* [fig. 6, lines 19-20].

Moreover, Cheffetz explicitly teached a computer network for backing up data and program file located on networked workstation onto a central [abstract, col. 1, lines 8-15] comprising *an substantially concurrently data backup transmission between remote workstation and master workstation via a network* [col. 3, lines 49-59] including *defining files before and after a modification* [col. 5, lines 23-24] and/or *constantly monitoring files changes via MaterDaemon* [col. 6, lines 45-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made realize the combination of Funk and Cheffetz do teach Applicant' argument. This is because by applying the data concurrently backup transmission with a constant monitoring, modifying ,

and/or validating file changes within the computer data protection system, change information can be trusted by applicant's user for its operation function. In turn, it would enhance data performance, data integrity, and data throughput via a networking environment.

Second, the modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the computer data file/information transmission via a networking environment with a mechanism to enhance the data security, data performance, data availability, and data integrity in ordering to providing an optimal data/information protection and exchanging system.

Conclusion

5.   The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure.

6.   A shortened statutory period for response to this action is
set to expired THREE (3) months, ZERO days from the date of this
letter.   Failure to respond within the period for response will
cause the application to be abandoned. 35 U.S.C. 133.

7.   Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Dieu-Minh
Le whose telephone number is (703) 305-9408.   The examiner can
normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM.
The examiner can also be reached on alternate Fridays.

      If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Robert Beausoliel, can
be reached on (703)305-9713.   The fax phone number for this
Group is (703)746-7240.

      Any inquiry of a general nature or relating to the status
of this application should be directed to the Group receptionist
whose telephone number is (703) 305-3900.
            Any response to this action should be mailed to:
                  Commissioner of Patents and Trademarks
                  Washington, D.C. 20231
            or faxed to:
                  (703)872-9306, (for formal communications
                  intended for entry)

      Hand-delivered responses should be brought to Crystal
      Park II,   2121 Crystal Drive, Arlington. VA., Sixth
      Floor   (Receptionist).

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                        PRIMARY EXAMINER
                        ART UNIT 2114

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